

1 AN ACT relating to consolidated local governments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 67C.103 is amended to read as follows:

- 4 (1) The legislative authority of a consolidated local government, except as otherwise
5 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local
6 government council. The members of the council shall be nominated and elected by
7 district. There shall be only one (1) council member elected from each council
8 district.
- 9 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,
10 and numerical designation of the council districts shall be as specified by KRS
11 67C.135. The population of the council districts shall be as nearly equal as is
12 reasonably possible. ~~For any newly consolidated local governments whose officials~~
13 ~~take office in 2003, upon taking office, the legislative council may take action to~~
14 ~~adjust the boundaries and population of the districts in order to equalize the~~
15 ~~population of the districts which may have changed as a result of recent census~~
16 ~~information.~~ Any changes made to alter the boundaries of council districts shall be
17 based on the population of the county as determined by the most recent United
18 States Census or official census estimates as provided by the United States Bureau
19 of the Census.
- 20 (3) Following the official publication of each decennial census by the United States
21 Bureau of the Census for the area embraced by a consolidated local government, the
22 council shall adopt an ordinance, if necessary, to redistrict the council districts. A
23 redistricting ordinance shall provide for the distribution of population among the
24 council districts as nearly equal as is reasonably possible. Every council district
25 shall be compact and contiguous and shall respect existing neighborhood,
26 community, and city boundaries whenever possible.
- 27 (4) The consolidated local government council members shall serve for a term of four

1 (4) years beginning on the first Monday in January following their election, except
2 that the initial election of council members shall be in a manner as to provide for
3 staggered terms for council members. At the initial election of the members of a
4 consolidated local government council, those representing even-numbered districts
5 shall be elected for a two (2) year term. Those representing odd-numbered districts
6 shall be elected for a four (4) year term. Thereafter, all council members shall be
7 elected for four (4) year terms.

8 (5) The members of a consolidated local government council shall be nominated and
9 elected from the district in which they reside in partisan elections. After the initial
10 terms of office of the first elected council members, council members shall be
11 elected in the same election years as other local government officials as regulated by
12 the regular election laws of the Commonwealth and as provided in subsection (4) of
13 this section.

14 (6) No person shall be eligible to serve as a member of a consolidated local government
15 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
16 resident within the territory of the consolidated local government and the district
17 that he or she seeks to represent for at least one (1) year immediately prior to the
18 person's election. A council member shall continue to reside within the district from
19 which he or she was elected throughout the term of office.

20 (7) The presiding officer of a consolidated local government council shall be a
21 president who shall be chosen annually by a majority vote of the entire council from
22 among its members at the first meeting of the council in January. The council
23 president has the right to introduce any resolution or recommend any ordinance and
24 shall be entitled to vote on all matters.

25 (8) The consolidated local government council shall upon notice meet within seven (7)
26 days after its members have taken office, and shall thereafter hold at least one (1)
27 regular meeting per month. No newspaper notice shall be required for regular or

1 special meetings of the consolidated local government council. However, notice of
2 all meetings of the council and all meetings of committees of the council shall be
3 held pursuant to KRS 61.805 to 61.850.

4 (9) A majority of the members of the consolidated local government council shall
5 constitute a quorum, but a smaller number may adjourn from day to day. The
6 consolidated local government council may enforce the attendance of members by
7 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
8 entire membership of the council may call a special meeting at any time. Meetings
9 shall be held in such places in the county as are provided by ordinance, and the
10 place of meetings shall not be changed except by an ordinance for which two-thirds
11 (2/3) of the members of the consolidated local government council have voted.

12 (10) The council shall determine its own rules and order of business, and keep and
13 provide a public record of its proceedings. The council shall provide for the
14 publication of all ordinances in a composite code of ordinances.

15 (11) Council ordinances that prescribe penalties for their violation shall be enforced
16 through the entire area of the consolidated local government unless:

17 (a) Otherwise provided by statute; or

18 (b) The legislative body of any city within the consolidated local government area
19 has adopted an ordinance pertaining to the same subject matter that is the
20 same as or more stringent than the standards set forth in the consolidated local
21 government's ordinance.

22 (12) In the case of a vacancy on the consolidated local government council by reason of
23 death, resignation, or removal, the council by majority vote of the membership of
24 the council shall elect a qualified resident of the council district not later than thirty
25 (30) days after the date the vacancy occurs. Should the council fail to elect, by
26 majority vote of the membership of the council, a qualified person to fill the
27 vacancy within thirty (30) days, the mayor of the consolidated local government

1 shall fill the vacancy by appointment of a qualified person for the unexpired term.

2 (13) All legislative powers of a consolidated local government are vested in the
3 consolidated local government council. The term "legislative power" is to be
4 construed broadly and shall include the power to:

5 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
6 a two-thirds (2/3) majority of the membership of the legislative council;

7 (b) Review the budgets of and appropriate money to the consolidated local
8 government;

9 (c) Adopt a budget ordinance;

10 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
11 Commonwealth of Kentucky;

12 (e) Establish standing and temporary committees; and

13 (f) Make independent audits and investigations concerning the affairs of the
14 consolidated local government and any board or commission that:

15 1. Is composed of members who are appointed by the mayor and approved
16 by the legislative council; or

17 2. Has a budget that is equal to or greater than one million dollars
18 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
19 officer elected within the consolidated local government.

20 (14) (a) The consolidated local government council shall establish a Government
21 Oversight and Audit Committee. This committee shall be:

22 1. Composed of members from each of the two (2) largest political
23 caucuses in the legislative council;

24 2. Appointed by the chairs of their respective caucuses; and

25 3. Composed on the basis of the proportion of each of the two (2) caucuses'
26 total membership as compared to the total membership of the legislative
27 council. Any fractional proportions shall be rounded in the favor of the

1 smallest caucus' membership on the committee.

2 (b) The committee shall have the power to:

3 1. Compel testimony and the submission of work papers or documents;

4 2. Issue subpoenas to compel any officer, ~~[- of or]~~ appointee, or former
5 officer or appointee to a board or commission described in subsection
6 (13)(f) of this section or any department or division of the consolidated
7 local government to appear before the committee and to compel the
8 submission to the committee of any work papers or documents pertinent
9 to an independent audit or investigation. Any subpoenas issued or
10 testimony compelled shall be subject to any relevant statutes concerning
11 privacy. Testimony subject to KRS 61.810 shall only be taken in
12 executive session. The right to privacy or the requirement that testimony
13 be taken in executive session may be waived by the person or entity
14 being subpoenaed or compelled to testify;

15 3. Petition the appropriate Circuit Court to compel obedience by
16 proceedings for contempt as in the case of disobedience of a subpoena
17 issued from the Circuit Court or a refusal to testify therein, if any officer
18 or appointee fails or refuses to testify or furnish the work papers or
19 documents subpoenaed;

20 4. Administer oaths to witnesses appearing before the committee when the
21 committee deems the administration of an oath necessary and advisable
22 as provided by law. This decision to administer oaths shall be taken by a
23 majority vote of the committee of the legislative council; and

24 5. Recommend the removal of any appointee to a board or commission
25 described in subsection (13)(f) of this section.

26 (c) The legislative council of the consolidated local government shall adopt by
27 resolution any process or procedures deemed necessary for the administration

1 of subpoenas and oaths.

2 (d) The legislative council of the consolidated local government may only act to
3 remove an appointee to a board or commission described in subsection (13)(f)
4 of this section upon the recommendation of the Government Oversight and
5 Audit Committee.

6 (e) The Government Oversight and Audit Committee shall have the power to
7 issue subpoenas or administer oaths. Except as provided in KRS 65.003(7),
8 the legislative council of the consolidated local government shall not delegate
9 those powers to any other entity or entities not a part of the legislative council
10 of the consolidated local government.

11 (15) The consolidated local government council shall be known as the legislative council
12 of/..... County Metro Government, which shall be a
13 combination of the names of the largest city in existence in the county on the date of
14 the adoption of the consolidated local government and the county.

15 ➔Section 2. KRS 67C.111 is amended to read as follows:

16 (1) All cities other than those of the first class located within the territory of the
17 consolidated local government, upon the successful passage of the question to
18 consolidate a city of the first class and its county, shall remain incorporated unless
19 dissolved in accordance with KRS 81.094 and shall continue to exercise all powers
20 and perform the functions permitted by the Constitution and general laws of the
21 Commonwealth of Kentucky applicable to the cities of the class to which they have
22 been assigned.

23 (2) (a) With the approval of the consolidated local government's legislative council,
24 qualified voters within the consolidated local government may establish new
25 cities within the consolidated local government pursuant to KRS 81.050 and
26 81.060. The proposed city must have a population of six thousand (6,000) or
27 greater. This territory shall not be within any urban services boundary of

1 the consolidated local government nor shall it include any territory
2 currently incorporated within any existing city. The approval of the desire to
3 establish a new city shall be in the form of a resolution by the consolidated
4 local government's legislative council.

5 (b) If the petition to form a city is signed by seventy-five percent (75%) or more
6 of the qualified voters in the area proposed to be incorporated, the
7 consolidated local government's legislative council shall approve the
8 proposed incorporation.

9 (c) If the petition to form a city is signed by less than seventy-five percent (75%)
10 of the qualified voters in the area proposed to be incorporated, the
11 consolidated local government's legislative council may approve the
12 proposed incorporation.

~~[Upon the adoption of a consolidated local~~
13 ~~government in a county containing a city of the first class, there shall be no~~
14 ~~further incorporations of cities within the county.]~~

15 (3) ~~[Upon the adoption of a consolidated local government in a county containing a city~~
16 ~~of the first class, there shall be no annexations for a period of twelve (12) years by~~
17 ~~any city remaining in the county. After that time,]~~Any proposed annexation by a
18 city in that county shall first receive the approval of the legislative council of the
19 consolidated local government prior to the city proceeding under the provisions of
20 KRS Chapter 81A. The city shall request the approval of the consolidated
21 legislative council by ordinance. If the ordinance is accompanied by a petition in
22 favor of the proposed annexation signed by seventy-five percent (75%) or more of
23 the qualified voters of the area proposed to be annexed, the consolidated
24 government legislative council shall approve the proposed annexation. The
25 consolidated legislative council's decision shall be made by ordinance and within
26 sixty (60) days of the receipt of the request by the affected city. If an ordinance has
27 not been enacted by the consolidated legislative council within sixty (60) days, the

request for a city to proceed with an annexation proposal shall be deemed to be approved by the consolidated legislative council. **An ordinance approving annexation passed by the consolidated local government legislative council shall not be subject to veto by the mayor of the consolidated local government.**

- (4) The adoption of a consolidated local government in a county containing a city of the first class shall not prevent the merger or dissolution of any existing cities as provided by law or the merger of any remaining cities with the newly consolidated local government.

➔Section 3. KRS 67C.115 is amended to read as follows:

- (1) Upon the successful passage of the question to consolidate a city of the first class and its county, all ordinances and resolutions of the previously existing city of the first class and all ordinances and resolutions of the county shall become effective ordinances and resolutions of the consolidated local government until repealed, modified, or amended in accordance with the following order of precedence:

- (a) If a city ordinance conflicts with a county ordinance, the county ordinance shall prevail and shall become effective countywide; and
- (b) If a city ordinance addresses a subject matter not addressed by a county ordinance, the city ordinance shall become effective countywide; and
- (c) If a county ordinance addresses a subject matter not addressed by a city ordinance, the county ordinance shall become effective countywide.

Notwithstanding paragraph (a) of this subsection and in the event a uniform land development code has not been jointly adopted by the city and county prior to the effective date of a consolidated local government, the historic preservation and landmarks ordinances, and the zoning regulations of the city adopted pursuant to KRS Chapter 100, shall prevail and become effective countywide.

- (2) Ordinances and resolutions of either the city of the first class or its county in existence on the effective date of a local government consolidation which conflict

1 with other provisions of this chapter shall be void. Except as provided in KRS
2 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or
3 its county on the date a consolidated local government takes effect shall expire five
4 (5) years from that date unless amended or reenacted by the consolidated local
5 government.

6 (3) All ordinances of the city and county creating agencies and boards and interlocal
7 agreements shall survive and be deemed reenacted by the council. All members may
8 serve the balance of the terms to which they were appointed and until their
9 successors are appointed and duly qualified according to law.

10 (4) For purposes of this section, a conflict shall be deemed to exist between ordinances
11 or resolutions, or the provisions of this chapter, where any rights, remedies,
12 entitlements, or the enforcement thereof cannot reasonably be reconciled.

13 (5) The county attorney shall serve as the legal advisor and representative to the
14 consolidated local government, ~~and~~ except for those duties pertaining to fiscal
15 court, ~~set forth in KRS 69.210,~~ The county attorney shall retain and exercise all
16 other duties, powers, and rights delegated to that office by law, **excluding the power**
17 **to approve legislation prior to its consideration by the legislative body of the**
18 **consolidated local government. The county attorney may provide an opinion on**
19 **the form, legality, or constitutionality of any legislative action, but that opinion**
20 **shall only be an advisory opinion.** This subsection does not prevent the
21 consolidated local government council from retaining its own legal counsel ~~solely~~
22 ~~for~~ advice and consultation should they choose to do so.

23 (6) Wherever the words "county judge" or "county judge/executive" appear in any
24 resolution or ordinance in existence in a city of the first class or in a county
25 containing a city of the first class as of the effective date of the establishment of a
26 consolidated local government, they shall be deemed to mean the mayor of the
27 consolidated local government.

1 ➔ Section 4. KRS 67C.139 is amended to read as follows:

2 If a cooperative compact exists between a city of the first class and its county prior to the
3 creation of a consolidated local government, upon the establishment of the consolidated
4 local government:

5 (1) (a) The mayor of the consolidated local government shall assume all appointment
6 authority previously held by the county judge/executive and the mayor of the
7 consolidating governments. Appointments made by the mayor should reflect
8 the political, geographic, gender, age, and racial diversity of the population
9 within the jurisdiction of the consolidated local government. Upon the
10 expiration of a term of appointment, the mayor shall make an appointment or
11 reappointment within ninety (90) days of the term's expiration.

12 (b) If the mayor fails to make an appointment within ninety (90) days, the
13 legislative council of the consolidated local government shall make the
14 appointment within thirty (30) days after the expiration of the ninety (90) day
15 period. The legislative council's appointment shall take into account the
16 political, geographic, gender, age, and racial diversity of the population. The
17 legislative council shall adopt a resolution specifying how these appointments
18 shall be made; ~~and~~

19 (2) *The mayor shall make all appointments to agencies, boards, and commissions*
20 *established by statute in the manner as prescribed by statute, subject to any*
21 *requirements for legislative body approval as required by the relevant statutes.*
22 *Notwithstanding any other provisions of the Kentucky Revised Statutes, the*
23 *legislative body of the consolidated local government shall have sixty (60) days in*
24 *which to give approval of an appointment, if approval is required by statute* ~~[(a)]~~

25 ~~—— When authorized by statute, the mayor shall, subject to legislative council~~
26 ~~approval, determine which statutorily created agencies, boards, and commissions~~
27 ~~require legislative council approval for the appointment of members.~~

- 1 ~~(b) 1. Subject to legislative council approval, the mayor shall determine the~~
2 ~~agencies, boards, and commissions to which legislative council members shall~~
3 ~~be appointed. The mayor's determination under this subparagraph shall be~~
4 ~~made in consultation with the Office of the Attorney General and shall not~~
5 ~~violate the incompatible offices prohibitions in KRS 61.080(3).~~
- 6 ~~2. The presiding officer of the legislative council shall make all legislative~~
7 ~~council appointments to agencies, boards, and commissions from the~~
8 ~~membership of the legislative council, subject to subparagraph 1. of this~~
9 ~~paragraph.~~
- 10 ~~(c) The legislative council shall enact an ordinance setting out the role of the~~
11 ~~legislative council, if any, in the appointment process for each individual~~
12 ~~agency, board, and commission created by statute. Only one (1) agency, board,~~
13 ~~or commission shall be addressed per ordinance. Such ordinance shall require~~
14 ~~a vote of the majority of the entire membership of the legislative council for~~
15 ~~approval and shall be subject to mayoral veto and legislative override pursuant~~
16 ~~to KRS 67C.103(13)(a) and 67C.105(5)(i)]; and~~
- 17 (3) The appointment of members to all agencies, boards, and commissions created by
18 ordinance shall be determined by the ordinance creating the agency, board, or
19 commission.
- 20 ➔Section 5. KRS 67C.143 is amended to read as follows:
- 21 (1) Unless otherwise provided by law, any elected officer of a consolidated local
22 government in case of misconduct, incapacity, or willful neglect in the performance
23 of the duties of his or her office may be removed from office by the legislative
24 council, sitting as a court, under oath, upon charges preferred by the mayor or by
25 any five (5) members of the legislative council, or, in case of charges against the
26 mayor, upon charges preferred by not less than ten (10) members of the legislative
27 council.~~[No legislative council member preferring a charge shall sit as a member of~~

1 ~~the legislative council when it tries that charge.]~~

2 (2) No elected officer shall be removed without having been given the right to a full
3 public hearing.

4 (3) A decision to remove a mayor, legislative council member, or appointee to a board
5 or commission shall require a vote of two-thirds (2/3) of the total number of
6 legislative council members.

7 (4) Any elected officer removed from office under the provisions of this section may
8 appeal to the Circuit Court and from there to the Court of Appeals. The appeal to
9 the Circuit Court shall be taken and tried in the same manner as civil cases are tried.

10 (5) (a) No elected officer removed from office under this section shall be eligible to
11 fill the office vacated before the expiration of the term to which the elected
12 member was originally elected.

13 (b) Any appointee to a board or commission removed under this section shall not
14 be eligible for:

15 1. The office from which he or she was removed before five (5) years
16 following the date of his or her removal from that office; or

17 2. Appointment to a board or commission described in KRS
18 67C.103(13)(f) before five (5) years following the date of his or her
19 removal from that office.

20 ➔Section 6. KRS 67C.147 is amended to read as follows:

21 (1) In order to maintain the tax structure, tax rates, or level of services in the area of the
22 consolidated local government formerly comprising the city of the first class, the
23 legislative council of a consolidated local government may provide in the manner
24 described in this chapter for taxes and services within the area comprising the
25 former city of the first class which are different from the taxes and services which
26 are applicable in the remainder of the county. These differences may include
27 differences in tax rates upon the class of property which includes the surface of the

1 land, differences in ad valorem tax rates upon personal property, and differences in
2 tax rates upon insurance premiums.

3 (2) Any difference in the ad valorem tax rate on the class of property which includes
4 the surface of the land in the portion of the county formerly comprising the city of
5 the first class and in the portion of the county other than that formerly comprising
6 the city of the first class may be imposed directly by the consolidated local
7 government council. Any change in these ad valorem tax rates shall comply with
8 KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as
9 provided by KRS 82.085.

10 (3) If the consolidated local government council determines to provide for tax rates
11 applicable to health insurance premiums and personal property which are different
12 in the area formerly comprising the city of the first class than the rates applicable in
13 the remainder of the county, it shall do so in the following manner. The
14 consolidated local government council shall by ordinance create a tax district to be
15 known as the "urban service tax district" bounded by the former boundaries of the
16 former city of the first class. The ordinance shall designate the number of members
17 of the board of this taxing district and the manner in which they shall be appointed.
18 The ordinance shall provide that the board of the taxing district shall receive the
19 income derived from the differential in tax rate applicable in the area formerly
20 comprising the city of the first class with respect to personal property, health
21 insurance premiums, or both, and shall contract with the consolidated local
22 government to pay all sums collected to the consolidated local government, in
23 return for the provision of services performed by the consolidated local government
24 within the area formerly comprising the city of the first class which services are in
25 addition to services performed by the consolidated local government in the
26 remainder of the county. **The consolidated local government shall provide at least**
27 **an annual reporting to the urban service tax district board and the legislative**

body of the consolidated local government containing but not limited to detailed operating and capital expenditures of each service performed by the consolidated local government.

(4) After the initial formation of an urban service taxing district in a consolidated local government, the boundaries of the district may be modified in the following manner. The proposal to alter the boundaries of the urban service taxing district within a consolidated local government may be initiated by:

- (a) A resolution enacted by the consolidated local government describing the boundaries of the area to be added to or deleted from the taxing district and duly passed and signed by the mayor not less than one hundred twenty (120) days before the next regularly scheduled election day within the county; or
- (b) A petition signed by a number of qualified voters living within precincts within the area to be added to or deleted from the taxing district equal to ten percent (10%) of the votes cast within each precinct in the last general election for President of the United States and delivered to the clerk of the legislative council more than one hundred twenty (120) days next preceding the next regularly scheduled election day within the county.

The boundaries so described in either case shall not cross precinct lines. The question of whether the area bounded as described should be added to or deleted from, as the case may be, the urban services taxing district shall then be placed upon the ballot in the precincts in the area to be added or deleted at the next regular election and the question stated on the ballot shall be so phrased that a "Yes" vote shall be cast in favor of making the proposed change and a "No" vote shall be cast to oppose the proposed change. If a majority of those voting in those precincts support the change, then the change in the boundaries of the urban service district shall be implemented.